

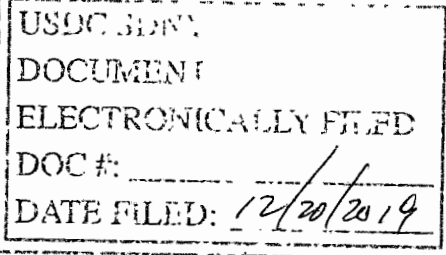
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
NASDAQ, INC.,

Plaintiff,

-against-

EXCHANGE TRADED MANAGERS GROUP,
LLC, and ETF MANAGERS GROUP, LLC,
Defendants.
-----X



17 CIVIL 8252 (PAE)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated December 20, 2019, following a 10-day bench trial, the Court holds that Nasdaq has established, in multiple respects, its claims for breach of contract against ETFMG; Nasdaq, however, has not established its claims for breach of duty of good faith and fair dealing, conversion, unfair competition, unjust enrichment, or quantum meruit; the Court also hold that ETFMG has failed to establish any of its counterclaims; the Court further finds that Nasdaq is entitled to an award of the following in compensatory damages: (i) \$10,908,711 in retrospective damages, with prejudgment interest of 9% thereon to be measured as of November 1, 2017, in the amount of \$2,095,369.12; (ii) \$67 million in prospective damages; and (iii) \$494,461.36 in damages under the Wholesaling Agreement, with prejudgment interest of 5% over the Federal Reserve rate of 1.5% thereon to be measured as of May 16, 2017, in the amount of \$82,593.37 for a total sum of \$80,581,134.85; the Court declines to award punitive damages or equitable relief.

Dated: New York, New York
December 20, 2019

RUBY J. KRAJICK

Clerk of Court

BY: 

Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 12/20/2019